

# BEST AVAILABLE COPY

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

### DECLARATION UNDER 37 C.F.R. § 1.131

1. The following declaration is directed to establishing the date of the invention claimed in U.S. Patent Application No. 09/574,736.

2. To my knowledge, Michael V. Leman and William M. Creese (the "named inventors") are the joint inventors of the claims in the above-referenced application. To my knowledge, each of the named were employees of Micron Electronics, Inc. while they invented the subject matter of the above-referenced application.

3. I am a partner at the law firm Knobbe Martens Olson and Bear. I am also a registered patent attorney and was responsible for preparing and filing the above-referenced patent application.

4. The named inventors conceived of the invention as early as March 13, 2000, and the inventors and I diligently worked to constructively reduce the practice up until the filing of the present application, i.e., May 18, 2000.

5. From at least March 13, 2000 up until May 18, 2000, I actively worked in the normal course of my docket to finalize and file the above-referenced application.

- On January 24, 2000, I prepared a draft specification directed to the above case and provided this draft to counsel for Micron Electronics, the assignee of the subject invention for review by the inventors. The January 24, 2000 specification described the presently claimed invention.

- To my knowledge, on February 29, 2000, William Creese provided to Nancey Hammond, a legal assistant of Micron Electronics, certain requested changes to the draft application, i.e., Appendix A.


- On February 29, 2000, the assignee provided requested changes to the draft of the application. To the best of my recollection, Appendix A includes the only changes to the application that were made as part of this request.

- On April 12, 2000, I provided to Micron Electronics, Inc. a revised draft of the application incorporating the requested changes of William Creese. Appendix B is a copy of this revised application.

- On May 18, 2000, I filed the above-referenced application.

**BEST AVAILABLE COPY**Penalty of Perjury Statement

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 10001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or document or any patent resulting therefrom.

Dated: 2/17/05By:   
Tom Arno, Esq.S:\DOCS\EMN\EMN-5763.DOC  
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